


Atty Docket: 295.027US1

Patent Application Serial No.: 09/150,813

 At page 152, line 16, after "SYRRITSSKSPKEAV", please insert -- (SEQ ID NO:105) --.

At page 155, line 26, after "(1-15)[MCP-1]", please insert -- (SEQ ID NO:3) --.

At page 155, line 27, after "(1-12)[MCP-1]", please insert -- (SEQ ID NO:1) --.

At page 156, line 23, after "[MCP-1]", please insert -- (SEQ ID NO:1) --.

Remarks

Applicant's invention is broadly directed to novel agents that can modulate chemokine-induced activity, and methods to modulate chemokine-induced activity that employ the agents. The agents of the invention include chemokine peptide 3, and variants, analogs or derivatives thereof. Chemokine peptide 3 includes amino acid sequences corresponding to sequences that are generally located in the carboxy-terminal half of the chemokine. Variants of chemokine peptide 3 are peptides that have at least one amino acid substitution relative to the amino acid sequence of the corresponding native chemokine. Derivatives of the chemokine peptides of the invention include chemokine peptides or peptide variants which are subjected to chemical modifications, such as esterification, amidation, reduction, protection and the like, such as cyclic reverse sequence derivatives (CRD). Analogs of chemokine peptides of the invention include moieties that mimic or inhibit a chemokine-induced activity, or bind to or near a chemokine receptor but do not mimic or inhibit chemokine activity (neutral), wherein the portion of the moiety that mimics or inhibits the chemokine-induced activity, or binds to or near the receptor but is neutral, is not a peptide, and wherein the active portion of the analog is not a nucleic acid molecule. For example, an analog of chemokine peptide 3 includes a compound of formula (IV), a compound of formula (V), or a compound of formula (VI), which are mimetics of a portion of chemokine peptide 3.

The Restriction Requirement is traversed on the basis that the inventions are so closely related that they cannot properly be considered independent and distinct within the statutory meaning of 35 U.S.C. § 121. In particular, claims directed to methods of preventing or inhibiting an indication associated with a chemokine-induced activity comprising administering

to a mammal a chemokine peptide 3, a variant, or a derivative thereof (claims 17, 20-22, 24-28, 31-35, 40-45 and 48-51; Group VI) are clearly related to claims directed to methods of preventing or inhibiting an indication associated with a chemokine-induced activity comprising administering to a mammal an analog of chemokine peptide 3, e.g., methods of using a compound of formula (IV) (claims 18, 20-28, 31-36, 39-40, 45, and 48-51; Group VIII), methods of using a compound of formula (V) (claims 18, 20-28, 31-35, 37, 39-40, 45, and 48-51; Group IX), and methods of using a compound of formula (VI) (claims 18, 20-28, 31-35, 38-40, 45, and 48-51; Group X). Thus, the claims in Group VI, Group VIII, Group IX, and Group X encompass a unitary inventive concept: the use of chemokine peptide 3, a variant thereof, a derivative thereof or an analog thereof to inhibit or prevent an indication associated with a chemokine-induced activity.

The Restriction Requirement is also traversed on the basis that restriction requirements are optional in all cases (M.P.E.P. § 803). If the search and examination of an entire application can be made without serious burden, the Examiner must examine the application on the merits, even though it arguably includes claims to distinct or independent inventions (M.P.E.P. § 803). In particular, it is respectfully submitted that the claims of Group VI (claims 17, 20-22, 24-28, 31-35, 40-45 and 48-51), Group VIII (claims 18, 20-28, 31-36, 39-40, 45, and 48-51), Group IX (claims 18, 20-28, 31-35, 37, 39-40, 45, and 48-51), and Group X (claims 18, 20-28, 31-35, 38-40, 45, and 48-51) can be effectively and efficiently searched in a single search with no additional burden placed on the Examiner. Thus, the Restriction Requirement is properly traversed, and reconsideration of the Restriction Requirement is respectfully requested.

RESPONSE TO RESTRICTION REQUIREMENT AND PRELIMINARY AMENDMENT

Page 7

Atty Docket: 295.027US1

Patent Application Serial No.: 09/150,813

The Examiner is invited to contact Applicant's Representatives, at the below-listed telephone number, if there are any questions regarding this Response or if prosecution of this application may be assisted thereby.

Respectfully submitted,

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By his Representatives,

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August 31, 1999

By

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231 on August 31, 1999.

Name

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